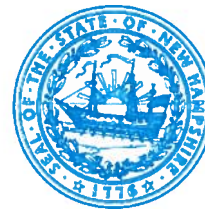




The State of New Hampshire
Department of Environmental Services

Clark B. Freise, Acting Commissioner



January 11, 2017

The Honorable Chris Christensen, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB173, AN ACT relative to regulations restricting the use of water for outdoor usage

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to comment on HB 173. This bill would allow municipalities to restrict potentially all outdoor discretionary water usage when the federal or state government has designated a region of the state as being in a stage of drought. State law currently enables municipalities to only restrict residential lawn watering with water from private wells or public water systems when the state or federal government declares a stage of drought. The New Hampshire Department of Environmental Services (NHDES) supports the concept of this legislation and provides the following information to assist the committee in its considerations.

The General Court established a Commission to study groundwater withdrawals pursuant to SB 155 in 2003 and SB 142 in 2005. The Commission consisted of members of the General Court, general public, municipalities, farms, businesses, recreation and environmental interests, and comprehensively studied how New Hampshire manages its groundwater until the Commission expired in 2010. The Commission reported its findings annually to the Legislature and, in 2006, it recommended that based on its assessment of impacts to private wells during the 2001-2003 drought, that a law should be enacted to enable municipalities to restrict residential lawn watering when the region has been designated as being under a declared drought by the state or federal government. The General Court acted on this recommendation and enacted RSA 41-11-d pursuant to HB 457 in 2007.

The Commission deliberated extensively over the type of water uses that potentially should be included in water use restrictions during a declared drought. While there was a general consensus among Commission members that water use for residential lawn watering should be restricted or banned during a drought, the Commission members could not agree on what other outdoor water

uses are discretionary or were substantial enough to include in water use restrictions. Residential water use for washing cars, cleaning the exteriors of homes and outdoor water play activities were discussed but ultimately not included in the final recommendation of the Commission. Similarly, water use for municipal and private athletic complexes, golf courses and other commercial operations were discussed and Commission members decided not to recommend extending the applicability of restrictions to these uses because it could not achieve a general agreement among its members.

During the summer and fall of 2016, a number of communities utilized their authority to respond to the water supply emergency caused by the drought to restrict or ban residential outdoor lawn watering. These actions were implemented as hundreds of private wells became dewatered and failed and some community water systems saw their reservoirs and groundwater levels in their wells at historic low levels. The measures these municipalities implemented were prudent to preserve the available water supply, especially as the drought became more severe and it was apparent that any substantial recovery from the drought would not be possible until the Spring of 2017 at the earliest. NHDES recognizes that expanding the water uses that can be restricted during the drought to all discretionary uses would substantially improve the ability to respond to a drought emergency, but that the interpretation of what is discretionary could be subjective and create uncertainty and disagreement. An alternative approach could be to more narrowly expand the authority to restrict outdoor water use associated with lawns at commercial, institutional and industrial properties.

Thank you again for the opportunity to comment on this proposed legislation. If you have questions or need additional information, please contact Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator (Sarah.Pillsbury@des.nh.gov or 271-1168) or Brandon Kernan (Brandon.Kernen@des.nh.gov or 271-0660).

Sincerely,



Clark B. Freise

Acting Commissioner

cc: Representative Graham
Representative Danielson
Representative Gould